

MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
June 25, 2012

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **June 25, 2012**, at 6:51 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlnknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7 (via Skype videoconferencing); Ms. Nicole Scott Ewing, County Attorney; and Ms. Catherine Windham, Interim Clerk to Council.

CALL TO ORDER

Chairman Daniel Davis: "At this time, I'll call County Council to order. Madame Clerk, has this meeting been properly noticed via the Freedom of Information Act?"

Ms. Windham: "Yes, Sir, it has."

APPROVAL OF MINUTES

Chairman Daniel Davis: "The first order of business is approval of minutes. We have Public Hearing minutes for Bills Numbered 12-01, 12-04, 12-05, 12-06 and 12-07 of May 29, 2012; Regular Council Meeting minutes of May 29, 2012; Special Council Meeting of May 14, 2012; Special Council Workshop Meeting of May 22, 2012."

It was moved by Council Member Steve Davis and seconded by Council Member Call to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Public Discussion commenced at 6:52 p.m.

Ms. Varner: "Thank you for the opportunity. My name is Renee Varner. I live at 1794 Fish Road, Ridgeville, South Carolina. I'm here concerning the Mead Westvaco track of land. With this situation, I'd just like to know who represents the people in the Pringletown Area and the Fish Road Area, because we have gotten no representation. All the traffic – and I have no problem with the industry coming in up there, but what is happening is we're getting all the traffic. There's accesses off of Cypress Campground Road that's not being utilized. Why?

There's a bridge on Cypress Campground Road that's not being utilized. Why? We're getting all the traffic – 27 Fish Road. Why can't we utilize all the accesses into this property? That's pretty much all I have to say."

Chairman Daniel Davis: "Ok; thank you. I think there were some public meetings on it, and they will still continue, I think."

Ms. Varner: "I attended every one of those. They were brought up. Petitions were brought in from Pringletown, and they were dismissed."

Chairman Daniel Davis: "Thank you. Mr. Thomas Toney?"

Mr. Toney did not speak at this time.

Chairman Daniel Davis: "Mr. Metts?"

Mr. Truman Metts did not speak at this time.

Chairman Daniel Davis: "Anyone else wishing to address Council on agenda items?"

There were no others to address Council. Public Discussion concluded at 6:54 p.m.

EXECUTIVE SESSION – none

SPECIAL RECOGNITIONS AND PRESENTATIONS

Mr. Colin Martin, BCWS Executive Director, and Ms. Johanna Cooper, Re: "Drinking Water Week" Poster Winners

This agenda item was addressed during the Finance Committee Meeting, which was held earlier this night.

CHAIRMAN OF COUNTY COUNCIL

REPORTS FROM STANDING COMMITTEES

Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: "Mr. Chairman, the Committee on Finance met earlier this night."

Chairman Schurlknight: “On recommendation of the Committee, I move to **approve** the renewal of the Sangaree office lease.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

Additional Funding for Magistrate’s Lawyer

Chairman Schurlknight: “Also, on recommendation of the Committee, I move to **approve** additional funding for the Magistrate’s lawyer.” (*No second required.*)

Council Member Farley: “That’s to come from Contingency, right?”

Chairman Schurlknight: “Five thousand, yeah, to come from Contingency.”

The motion passed by unanimous voice vote of Council.

Ms. Kace Smith, Deputy Supervisor and Finance Director: “And, that’s Contingency in the 2012-2013 budget.”

Chairman Schurlknight: “Right.”

(That concluded Chairman Schurlknight’s report.)

Committee on Land Use

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “Mr. Chairman, the Committee on Land Use met on June 11, 2012.”

Deny Temporary Moratorium in Regard to Simulated Gambling Devices

Chairman Farley: “On recommendation of the Committee, I move to **deny** the temporary moratorium in regards to simulated gambling devices, and specifically invoking the pending Zoning Ordinance by reference thereto.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Farley’s report.)

Committee on Public Works and Purchasing

Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney: “Mr. Chairman, let me ask Mr. Davis if he would be so kind to read that report for me, please, Vice Chairman Davis?”

Council Member Steve Davis: “I’d be more than happy to do so.”

Chairman Pinckney: "Thank you, Sir."

Acting Chairman Steve Davis: "Mr. Chairman, the Committee on Public Works and Purchasing met on June 11th."

a. Vendor Selection for Meter Boxes

Acting Chairman Steve Davis: "On recommendation of the Committee, I move to **award** the contract for the meter boxes to Southern Utility from July 1, 2012 to June 30, 2013, in the amount of \$173,000.86 per box." *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Construction Contract Award for Arthur Gillins Road Improvements

Acting Chairman Steve Davis: "Also, on recommendation of the Committee, I move to **award** the construction contract for the Arthur Gillins Road improvement to W. Davis Construction Company, in the amount of \$192,045.40." *(No second required.)*

The motion passed by unanimous voice vote of Council.

c. Construction Contract Award for Blanding Road and Wilder Road Improvements

Acting Chairman Steve Davis: "Also, on recommendation of the Committee, I move to **award** the construction contract for the Blanding Road and Wilder Road improvements to Plowden Construction Company, in the amount of \$412,669.50." *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Pinckney's report.)

**Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis: "Mr. Chairman, the Committee on Justice and Public Safety met on June 11, 2012 and earlier tonight."

a. Additional Funding for Gasoline as Needed for Sheriff's Department

Chairman Steve Davis: "On recommendation of the Committee, I move to approve additional funding for gasoline as needed until July 1, 2012 for the Sheriff's Department and the Hill Finklea Detention Center." *(No second required.)*

The motion passed by unanimous voice vote of Council.

Chairman Steve Davis: "I hope to challenge my own self, but I have some issues here. I'm trying to recall, in fact, I requested for the Sheriff to come in front of the Committee, but I don't recall when he actually did."

Council Member Farley: "He did."

Chairman Steve Davis: "He did?"

Council Member Farley: "Yeah."

Chairman Daniel Davis: "At the last meeting."

Chairman Steve Davis: "At the last meeting when I was absent?"

Council Member Farley: "You were here."

Chairman Steve Davis: "I was here? What?"

Council Member Cathy Davis: "That's even worse."

Chairman Steve Davis: "Man; maybe, the shot I took from the neurologist."

Council Member Farley: "We got ya."

Chairman Steve Davis: "I was in a lot of pain recently; thank you."

b. Grant Award Utilization Approval

Chairman Steve Davis: "Also, the Committee was informed that the LEMPG, the Local Emergency Planning Grant Award is going to be approximately \$65,664.00. If Ms. Wilson's JAG Grant is approved – this, this, this instruction you're giving me. We'll start over yonder."

c. JAG Grant Matching Funds

Chairman Steve Davis: "On recommendation of the Committee, I move to approve the matching funds for the Justice Assistance Grant secured by the Solicitor's Office, I think, the amount was \$22,135.00." *(No second required.)*

Ms. Nicole Scott Ewing: "Seven."

Chairman Daniel Davis: "Twenty two, one thirty seven (\$22,137), I think."

Ms. Ewing: "From the fiscal year 12-13 Contingency Budget."

Chairman Steve Davis: "That's correct."

The motion passed by unanimous voice vote of Council.

Chairman Steve Davis: "Mr. Chairman, that concludes my report."

Chairman Daniel Davis: "No, we still need the JAG Grant, correct?"

Ms. Ewing: "We need the JAG Grant and also Mosquito Abatement that was taken on the Special Council Meeting on Friday."

Chairman Steve Davis: "Yeah, well..."

Ms. Ewing: "That may have been on Public Works and Purchasing, however."

Chairman Steve Davis: "No; I hope this is not a sign for USC baseball tonight."

Ms. Windham: "I apologize; it wasn't on there."

Chairman Daniel Davis: "Does anyone know the details of the JAG Grant?"

Ms. Ewing: "We're looking that up right now."

Chairman Steve Davis: "I thought I just did the JAG Grant."

Council Member Callanan: "The mosquito was not to exceed \$50,000.00."

Chairman Steve Davis: "That's correct; the amount was \$50,000.00."

Ms. Ewing: "And, I apologize, Mr. Chairman. That was done at Special Council Meeting, so it would not be reported out of Committee. But, I do believe – did we do the grant award utilization approval? I'm confused."

Ms. Windham: "That was for information only."

Ms. Ewing: "Ok."

Chairman Steve Davis: "For information only."

Ms. Smith: "That has not been awarded yet."

Chairman Daniel Davis: "So, we did do that. We don't need the mosquito..."

Chairman Steve Davis: "Thank you."

Ms. Ewing: “We do not need the Mosquito Abatement, but we still need action on the grant award utilization approval for EMS.”

Chairman Daniel Davis: “And, we had a motion and a second. We voted on that.”

Chairman Steve Davis: “We did both of those.”

(That concluded Chairman Davis’ report.)

Committee on Water and Sanitation
Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call: “Mr. Chairman, the Committee on Water and Sanitation met earlier tonight.”

Grievance Committee Nominees

Chairman Call: “On recommendation of the Committee, I move to **appoint** George Peterson and Juanita to the Grievance Committee.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Call’s report.)

Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman

Chairman Cathy Davis: “Mr. Chairman, the Committee on Planning and Development met on June 11, 2012.”

PARD Grants

Chairman Cathy Davis: “On recommendation of the Committee, I move to **authorize** Nicole Scott Ewing to execute the leases for the PARD Grants.” *(No second required.)*

Ms. Ewing: “Mr. Chairman, I cannot execute on behalf of the County, so I ask that be amended to allow the County Supervisor to execute those leases.”

Chairman Cathy Davis: “Ok, I’ll amend to exclude Nicole Scott Ewing and change it to the County Supervisor.”

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Cathy Davis’ report.)

Committee on Community Services
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: "Mr. Chairman, the Committee on Community Services met earlier this night."

LSTA Planning Grant

Chairman Callanan: "On recommendation of the Committee, I move to **approve** the LSTA Planning Grant award, in the amount of \$2,500.00." *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Callanan's report.)

Committee on Human Services
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: "No report, Mr. Chairman."

THIRD READING

"BILL NO. 12-04, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #267-00-00-074."
(Berenyi Civil Engineering, LLC, for Dolphin Properties, LLC)

It was moved by Council Member Steve Davis and seconded by Council Member Schurilknight to **approve** Bill No. 12-04 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 12-06-14 is attached to these minutes.)*

"BILL NO. 12-08, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR."

It was moved by Council Member Steve Davis and seconded by Council Member Schurilknight to **approve** Bill No. 12-08 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 12-06-15 is attached to these minutes.)*

"BILL NO. 12-09, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE

EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Callanan and seconded by Council Member Steve Davis to **approve** Bill No. 12-09 for Third Reading. The motion passed by unanimous voice vote of Council.” (A copy of Ordinance No. 12-06-16 is attached to these minutes.)

“BILL NO. 12-10, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Cathy Davis and seconded by Council Member Steve Davis to **approve** Bill No. 12-10 for Third Reading.

Chairman Daniel Davis: “Motion and second; any discussion?”

Council Member Farley: “Yes, Sir; Mr. Chairman?”

Chairman Daniel Davis: “Mr. Farley.”

Council Member Farley: “What Mr. Toney gave us, I think, that we really need to look at that this year, this coming year. I mean, I know what we’ve got now is a done deal for now, but if all this holds true, that’s a pretty good hit. That’s all I need to say.”

Council Member Steve Davis: “And, Mr. Chairman, that same issue, is it a process where in their budget they could finance this analysis in reference to the commercialization of the grounds upkeep and all that?”

Chairman Daniel Davis: “Well, I think the appropriate thing for Council to do, because they have their board, would be to recommend that they look at it.”

Council Member Farley: “Do they fall under the same zoning and everything that everybody else does since this is a special tax district, because Codes Enforcement would have to write anybody else up for that mess with the photographs. Are we responsible, are they responsible for cleaning it up just like anybody else?”

Chairman Daniel Davis: “Chuck is here.”

Council Member Farley: “Ok.”

Chairman Daniel Davis: “You want to come forward?”

Council Member Farley: “I mean, they probably just need to get it out in a timely manner. I know that they have to have a holding area for a few days or whatever, but...”

Mr. Chuck Cheers, Sangaree Special Tax District General Manager: "All of the County codes that apply to all other unincorporated areas of Berkeley County also apply in the Sangaree Special Tax District."

Council Member Farley: "Ok; did you get a copy of their..."

Mr. Cheers: "No, I did not, Sir."

Council Member Farley: "You need to. He's got one right there. You can have it. Let's just see what we can do to help this out and straighten it up. The pictures in the back is the ones I was looking at, around the buildings and things like that. That's all I have to say."

Chairman Daniel Davis: "Ok, thank you, Mr. Farley; thank you, Chuck. Any other comments or questions?"

There was no further discussion.

The motion passed by unanimous voice vote of Council. (A copy of *Ordinance No. 12-06-17* is attached to these minutes.)

"BILL NO. 12-11, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR."

It was moved by Council Member Cathy Davis and seconded by Council Member Steve Davis to approve Bill No. 12-11 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of *Ordinance No. 12-06-18* is attached to these minutes.)

"BILL NO. 12-12, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR."

It was moved by Council Member Steve Davis and seconded by Council Member Fish to approve Bill No. 12-12 for Third Reading.

Chairman Daniel Davis: "We have a motion and a second. Any discussion?"

Council Member Farley: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Farley."

Council Member Farley: "Are they going up on fire fees this year?"

Chairman Daniel Davis: "No; that's not included in the budget."

Council Member Farley: "No; ok. We probably need to look at their debt and just see what we can do to help them out as far as reducing it. And, if it's by raising the fire fees, it needs to be done."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Is that all, Mr. Farley?"

Council Member Farley: "Yes, Sir."

Chairman Daniel Davis: "Ok; Mr. Schurlknight."

Council Member Schurlknight: "Just for information, I have been contacted by some of the fire chiefs, and after we finish up the budget, we're gonna be looking at the fire dues while their collecting their debts and expenditures they are experiencing."

Council Member Farley: "Good."

Council Member Schurlknight: "There could be a possible increase in fire dues, but we'll have to look at that."

Council Member Farley: "For next year?"

Council Member Schurlknight: "For next year, right, correct."

Council Member Farley: "Thank you."

Council Member Schurlknight: "Thank you."

Chairman Daniel Davis: "Any other comments, discussion?"

There was no further discussion.

The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 12-06-19 is attached to these minutes.)

"BILL NO. 12-13, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE

COUNTY FOR THE FISCAL YEAR; AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY **BERKELEY COUNTY WATER AND SANITATION.**”

Main Motion:

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve** Bill No. 12-13 for Third Reading.

Chairman Daniel Davis: “We have a motion and a second. Any discussion?”

Council Member Callanan: “Yes, Mr. Chairman?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “I would like to make a motion for an amendment to provide funding for this year towards our commitment of the Trident Technical College, if we can send these down there. I’ve got some figures from them. If we did a 15-year, no interest – I amortized this over 15 years. It would be approximately \$441,000.00, which equates to about .68 mills. So, I recommend that we pay that this year out of Fund Balance, and then, next year, we come out with a permanent solution, so we can put this to rest once and for all.”

Council Member Steve Davis: “Mr. Chairman?”

Chairman Daniel Davis: “We have a motion for an amendment. Do I have a second?”

Council Member Cathy Davis: “Second.”

Council Member Fish: “Second.”

First Amendment to Main Motion:

It was moved by Council Member Callanan and seconded by Council Member Cathy Davis to amend Bill No. 12-13 by inclusion to fund Trident Technical College, in the amount of \$441,000.00 to come from this year’s Fund Balance, and to seek a permanent solution for funding Trident Technical College next year.

Chairman Daniel Davis: “Alright, any discussion on the amendment?”

Council Member Schurlknight: “Yes, Mr. Chairman? I understand what Councilman Callanan is saying, but if it’s going to be reoccurring next year, I think we need to address it tonight, and let’s go ahead and put it to bed.”

Council Member Steve Davis: “Mr. Chairman?”

Council Member Schurlknight: "I'd like to find a good funding source for that."

Council Member Callanan: "If we – I'm open to entertaining reducing operating millage by .68 mills, and increasing Trident Tech millage by .6 mills."

Council Member Schurlknight: "Could you repeat that again, Mr. Callanan?"

Council Member Callanan: "I said, I'm open to the option of reducing general operating millage by .68 mills, which would be approximately \$441,000.00, and reducing – I'm sorry, increasing General Operating millage by that amount, and then – I'm sorry – reducing General Operating millage by that amount and increasing the Trident Tech millage by that amount. But, I'm not for an overall millage increase. I think – the reason I suggested the way I did was that for when we address the budget next year, we can look for the .68 mills savings, or it may be higher next year – I mean, or maybe lower next year, depending on what a mill is, but – and then using the Fund Balance just for this year."

Chairman Daniel Davis: "If I could ask a question, since I prepared the budget. Where would the corresponding increases in expenditures come from in the General Fund, because a .68 millage decrease in operating would result in – I'm just doing the rough calculations, probably about \$450,000.00 worth of expenditures."

Council Member Callanan: "Correct, right, and that's my point. That's why I made the recommendation as I did, which was to simply, was to simply this year take it out of Fund Balance, since we have a Fund Balance that is higher, substantially higher than the percentage that we all kind of agreed on of 15 percent, and then next year, when we're crafting our budget, come up with a permanent solution to this, where it's an annual occurring millage."

Ms. Ewing: "Mr. Chairman, may I ask a question just to clarify?"

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Yes."

Ms. Ewing: "Just so, we're making sure if when, ultimately, the motion is voted on that we're on the same page. Mr. Callanan, when you say this year's budget, this year's Fund Balance, do you mean the Fund Balance as of 6/30/12 or the Fund Balance as of 6/30/13?"

Council Member Callanan: "A – it's 6/30/12."

Ms. Ewing: "So, this current year budget."

Council Member Callanan: "Yeah."

Ms. Ewing: "Ok, thank you."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight."

Council Member Schurlknight: "Mr. Chairman, my biggest concern about dipping into the Fund Balance is some of the liabilities we've got to address this year with GASBY and everything else. And, when Councilman Callanan talks about the Fund Balance being bloated and being high, I have to take exception to that. I don't feel like it's high and bloated, especially when we've got to address some of these liabilities that are coming down to us this year to get on track. I'm just very uncomfortable dipping into our savings and trying to finance it out of that. I still think we need to identify a funding source for it, and I would be very interested to see what part of the operation budget he's planning on cutting to be able to achieve this. Thank you."

Council Member Steve Davis: "Mr. Chairman?"

Council Member Callanan: "Are you talking about next year? I mean, that was kind of a question to me. Are you talking about next year, Mr. Schurlknight?"

Council Member Schurlknight: "Twelve (2012)."

Council Member Callanan: "I'm not planning on cutting. I made a motion to take this from Fund Balance."

Council Member Schurlknight: "Next year, excuse me; yes, next year."

Chairman Daniel Davis: "Mr. Davis."

Council Member Steve Davis: "It's my position that we take one budget year at a time. I hear what Mr. Callanan is trying to do in reference to this creative math, but he should still address where the cuts are gonna be made. I would entertain a situation where we approve this millage increase this year; put this Trident funding source to rest; don't carry this over to next year. I'm very concerned about the Fund Balance staying in the same manner that it exists. I remember a young man coming forward and how dedicated we were, and the Solicitor – not the Solicitor, but the Supervisor to be commended for the efforts that were made to put the Fund Balance where it is. It's healthy for the overall credit rating of the County, and I would be very leery of any attempts to impinge upon the Fund Balance. I would think that we should have the courage to move forward tonight, and I would make the motion to find a funding source for the Trident Building – I think it's very important – in the amount of the .68 percent if that's what it takes to carry through the funding source. I think that's where we need to be in reference to trying to anticipate what is going to be occurring year under a different budget year. So, I agree with Tim in reference to finding a funding source, but we just disagree in the manner."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: “Yeah; I just want to make a clarification. I think the auditor – and it was a 16. (I think) 33 percent or two months revenues was the healthy Fund Balance percentage. NACO has a figure of 15 percent that they recommend. Last – as of a year ago, we were at, and I may be off by a percentage here, 24 percent, and I would assume that that has gone up – has it gone up this year with the deposit of the Mount Holly money?”

Ms. Smith: “Yes, Sir; it is estimated to go up June 30, 2012, yes, Sir.”

Council Member Callanan: “By the amount of the Mount Holly money, right?”

Ms. Smith: “Yes.”

Council Member Callanan: “So, I mean, we could be getting close to somewhere around 30 percent.”

Ms. Smith: “No; we’re estimating it to be at 24.83 percent at June 30, 2012.”

Council Member Callanan: “But, where’s it now?”

Ms. Smith: “Twenty-two, point six one (22.61) percent.”

Council Member Callanan: “Ok; 22.61, ok; so, it’s about 24 percent, so we’ve got about an 8 percent cushion. I understand there are things that you want to pay for, but you could have simply requested that those things be in the budget as I’m making an amendment right now. And so, and why it’s not healthy, in my opinion, to have a Fund Balance that is beyond the recommended levels? Because, you reach a level of what’s called stockpiling, when you’re collecting more revenues than you need from taxpayers and essentially taking the money out of the free market. So, that’s the concern I have about the, about why it is not always good to have an ever escalating Fund Balance. And so, my point on this, or my motion, you can vote it up or down is to simply take the 441 from – \$441,000.17 – 441,017 from Fund Balance this year, and then next year when we’re crafting a budget, we will diligently work to make sure that we can put the permanent increase in Trident Tech millage.”

Council Member Schurlknight: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Schurlknight.”

Council Member Schurlknight: “I’d like to remind Council that because of that Fund Balance, we’ve gotten upgrades on our bonds from Standards & Poors, which is saving us money there. Also, I’d like to remind Council that we are in a coastal area, susceptible to hurricanes, natural disasters or what have you. And also, we’re gonna have to fund some internal liabilities as in GASBY and those things that we’ve got to look at. And, I fully support Trident Tech, but I think we have some stuff in-house that we’ve got to protect also, and we’ve got to have that funding for it. Thank you.”

Chairman Daniel Davis: "You know, I can tell you just, even though we're a year out from next year's budget, you know, there just are no new revenue sources that we're gonna find to have you come up with an additional \$400,000.00. It isn't gonna be any easier next year than it is this year. So, there may be some justification for going ahead and doing like Charleston County and Dorchester County and adding to the Trident Tech millage, and service the debt."

Council Member Steve Davis: "Mr. Chairman, would the millage have a sunset clause on it that, actually, when the building has been built that the millage would go back?"

Chairman Daniel Davis: "It should, because it's designated, and that should be included in the motion."

Council Member Steve Davis: "Ok, well, and so, it would only be for a limited period of time?"

Chairman Daniel Davis: "Right."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight."

Council Member Schurlknight: "Also, if we looked at the millage part of it, we would have to bond that, wouldn't we?"

Chairman Daniel Davis: "We would have to issue debt to..."

Council Member Schurlknight: "And then our debt service would be climbing on that end of it also, right, as far as interest?"

Chairman Daniel Davis: "That's..."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "They are offering us a 15-year – we can amortize this over 15 years. We don't have to bond this."

Chairman Daniel Davis: "Ok; that's fine."

Council Member Callanan: "That's the information that I handed out, with no interest by the way."

Chairman Daniel Davis: "Any other discussion?"

There was no further discussion.

Chairman Daniel Davis: "Ok; we'll vote on the amendment first, and the amendment was to fund the Trident Tech out of Fund Balance in the amount of, I guess, it's \$441. Is that the right figure?"

Council Member Callanan: "Correct, right."

Chairman Daniel Davis: "For this year, and to figure out how to fund it next year when we do the budget next year."

Council Member Farley: "By millage?"

Council Member Cathy Davis: "No."

Chairman Daniel Davis: "That's not included in his motion."

Council Member Callanan: "I'm saying – let's just leave it – I'm sorry. I'll amend my motion to it simply just let's pay it this year, the 441,017 out of Fund Balance. That's my motion. My commentary was that next year when we craft the budget, we will find a permanent solution to this. So, the motion is just simply to pay for this year's portion of it out of the Fund Balance."

Ms. Ewing: "Mr. Chairman, if we're taking out of this year's Fund Balance, we would not need to amend Bill No. 12-13. That would be an entirely separate motion, separate from the 12-13. So, I'm – I think..."

Chairman Daniel Davis: "I think, I understand what you are saying, yeah..."

Council Member Callanan: "Alright, so..."

Chairman Daniel Davis: "...out of next year's budget. That needs to be an amendment to the budget. So, next year's Fund Balance – that needs to be an amendment to the budget."

Council Member Callanan: "We'll do it out of next year's budget, but it would be paid – next year's Fund Balance, but it would be – but we wouldn't have to wait until June 30, 2013 to pay it, correct?"

Chairman Daniel Davis: "No."

Council Member Callanan: "So, we're doing this out of the 2012-2013 Fund Balance."

Ms. Smith: "What I'm understanding that you would like to do is to budget some carryover funds, as we did in the past, to be used to fund a payment to Trident Tech in fiscal year 2012-2013. Is that correct?"

Council Member Callanan: "That's correct; right."

Chairman Daniel Davis: “Does everybody understand the motion? Alright, all those in favor of the amendment, please signify by saying, ‘Aye’. All those in favor, please raise your right hand.”

Ms. Ewing: “Ask Mr. Pinckney how he’s voting?”

Chairman Daniel Davis: “Pardon me?”

Council Member Schurlknight: “Mr. Pinckney.”

Ms. Ewing: [Inaudible]

Chairman Daniel Davis: “Mr. Pinckney, how are you voting? Are you raising your hand?”

Council Member Steve Davis: “No.”

Council Member Pinckney: “Yes, I am.”

Council Member Steve Davis: “You sure? You understand the motion?”

Council Member Pinckney: “The motion is what now?”

Council Member Steve Davis: “Yeah; I know your phone was off for awhile.”

Council Member Pinckney: “Yeah, it was.”

Council Member Steve Davis: “Yeah, you need to be brought to speed. You’re voting in the dark right now, because the phone was off while some discussion took place. What has occurred right now – you want to do it, Mr. Chairman? Go ahead.”

Chairman Daniel Davis: “Yeah; the motion is Mr. Callanan’s motion to fund Trident Tech, in the amount of \$441,017.00 out of next year’s carryover fund or Fund Balance, and then try to figure out in next year’s budget how to have permanent funding.”

Council Member Steve Davis: “And, also, Mr. Caldwell, Mr. Davis – I’m prepared, if that motion fails, to make an amendment that the source of funding be derived from a millage, and that this Council, tonight, be required to vote on it.”

Council Member Pinckney: “Let me make sure that I understand clearly what you’re saying. So, the amount of money that we’re talking about that has to go to Trident won’t be coming from a millage.”

Council Member Steve Davis: “That’s what I hope to do, if Mr. Callanan’s motion fails. I would want it to come from a millage, and we won’t have to address this issue in the manner

which he suggested originally, to decrease current expenditures to create the funds for the Trident Health Building.”

Council Member Pinckney: “Ok; I understand that. So, with that being the case, no, I would not vote for Mr. Callanan’s amendment.”

Council Member Steve Davis: “Thank you, Sir.”

Chairman Daniel Davis: “Ok; so, it’s a 4::4, and before I cast my vote, you are going to make the motion...”

Council Member Steve Davis: “I am gonna make the motion.”

Council Member Fish: “4::4, who’s the four who voted for it.”

Council Member Steve Davis: “We’ll call for the vote. He’s gonna call for it.”

Council Member Fish: “It’s the standard four?”

Ms. Ewing: “Mr. Chairman, because of this confusion with Mr. Pinckney’s hand not being able to be seen, I recommend that we go ahead and do a roll call vote.”

Chairman Daniel Davis: “Alright, let’s do that.”

Council Member Callanan’s motion to amend failed to pass. With a roll call vote, Council Members Farley, Callanan, Cathy Davis and Fish voted “Aye”; Council Members Call, Schurlknight, Pinckney and Steve Davis voted “Nay.” The tie vote of four (4) “Ayes” and four (4) “Nays” was broken with Chairman Daniel Davis voting, “Nay.”

Council Member Callanan: “Mr. Chairman, just before – I just want to get it on the record that – and this is not from me, but this is from the Association of Counties – the legality of having electronic participation by Council Members. So – but that’s fine. The vote stands.”

Council Member Steve Davis: “Thank you.”

Ms. Ewing: “I’m sorry; what is from the Association of Counties?”

Council Member Callanan: “The Association of Counties made it clear to me that electronic participation by Members of Council violated FOIA. That’s what they told me.”

Ms. Ewing: “Ok; do you know who you spoke with? I’d like to follow up with them.”

Council Member Callanan: “I can be happy to get you that information.”

Ms. Ewing: “Oh, great; thanks.”

Council Member Schurlknight: “Mr. Chairman, does that also go for phones on teleconferences?”

Council Member Callanan: “A, a – according to the, the NACO – not NACO – SCAC, it actually did.”

Council Member Steve Davis: “Mr. Chairman, at this time...”

Council Member Callanan: “But, but that’s fine. I mean, the vote stands as is. I’m not gonna protest it. I just want to be on the record as saying I don’t think this is legal.”

Chairman Daniel Davis: “We have used it frequently in the past. As a matter-of-fact, last Friday, we had an emergency meeting, and I was the only one there. Everyone wanted to participate joined by electronic means.”

Council Member Fish: “Two wrongs make a right.”

Council Member Schurlknight: “Mr. Chairman, I’d also like the record to show, probably, everybody on Council has called in one time or another to a meeting that we couldn’t attend.”

Council Member Steve Davis: “Yeah, I could attest to that.”

Council Member Schurlknight: “Thank you.”

Council Member Steve Davis: “Mr. Chairman, I move that we – the budget be amended that a funding source be derived, a millage of .68, to address the Nursing and Science Building Project once and for all.”

Chairman Daniel Davis: “We have a motion.”

Council Member Call: “I’ll second that.”

Second Amendment to Main Motion:

It was moved by Council Member Steve Davis and seconded by Council Member Call to amend Bill No. 12-13 by inclusion of a millage increase, in the amount of .68 mills, to address the funding of Trident Technical College’s Nursing and Science Building Project.

Chairman Daniel Davis: “Motion and second; any discussion?”

Council Member Fish: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Fish.”

Council Member Fish: "Does this mean that you're increasing the taxes of our constituents .68 mills, or is your motion say that you'll reduce the expenditures somewhere else in the County budget."

Council Member Steve Davis: "I think it was quite clear. I said .68 millage be assessed."

Council Member Fish: "A tax increase?"

Council Member Steve Davis: "Yeah, you told me you supported that out in the parking lot. Now, you want to flip the..."

Council Member Fish: "Support a tax increase?"

Council Member Steve Davis: "...script."

Council Member Fish: "If we do it..."

Council Member Steve Davis: "That's just what you told me."

Council Member Fish: "...taking it out of the fund."

Council Member Steve Davis: "You told me you supported it in the parking lot. Now, you've flipped the script."

Council Member Fish: [Inaudible]

Council Member Steve Davis: "Sir?"

Council Member Fish: "Not exactly."

Council Member Steve Davis: "You said you'd even second it. Thank you."

Council Member Fish: "I didn't second this one, no."

Council Member Steve Davis: "I know. Something happened between here and getting out your [inaudible]."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "The budget can be amended throughout the year, correct?"

Chairman Daniel Davis: "It can."

Council Member Callanan: "Ok; thank you."

Chairman Daniel Davis: "Any other discussion?"

There was no further discussion.

Chairman Daniel Davis: "We need another roll call again, please."

Council Member Steve Davis' motion to amend failed to pass. With a roll call vote, Council Members Steve Davis and Pinckney voted, "Aye"; Council Members Farley, Callanan, Call, Cathy Davis, Fish and Schurlknight voted, "Nay."

Main Motion Remains Without Amendments:

Chairman Daniel Davis: "Now, we'll vote on the main motion, Bill No. 12-13. Do I have a motion?"

Ms. Ewing: "We have a motion and second."

Chairman Daniel Davis: "Any other discussion or amendments?"

Council Member Fish: "Mr. Chairman? This thing is broke. Mr. Chairman?"

Chairman Daniel Davis: "Mr. Fish."

Council Member Fish: "I have a question since I was out for the workshop, and I saw in the minutes that it didn't address that. Under the HR Department, it shows that there's an increase of one – over a million, \$96,000 for Personnel Services. I don't see any increase somewhere else. Can somebody enlighten me what that is?"

Ms. Smith: "Yes, Sir; that was to partially fund the compensation study."

Council Member Fish: "A million dollars?"

Ms. Smith: "Well, yes, Sir; I think you had gotten some information sent to you by HR back in May. I don't have the..."

Council Member Fish: "Well, it shows last year's expenditures \$60,000. This year proposed to almost 1.1 million."

Ms. Smith: "Yes, sir. Level 1 – it was to fund all of Level 1, Level 2 and a portion of Level 3. The total amount that was budgeted, included was, with benefits, was \$1,320,037, and that was chart – I have a copy of the chart that was sent to you all sometime in May."

Chairman Daniel Davis: "Mr. Fish, that's basically a placeholder, because, you know, we were gonna – if we got the local government fund restored, we were gonna implement a portion of the compensation plan."

Council Member Fish: "Right. I didn't realize this..."

Chairman Daniel Davis: "We don't know where that is, so it's basically just a placeholder."

Council Member Fish: "Ok; because that's an awfully – I really didn't know it was going to be that expensive, so; ok."

Chairman Daniel Davis: "Right; if we don't get the funds, we won't be able to spend the money."

Council Member Fish: "Ok."

Chairman Daniel Davis: "Ok; any other questions?"

Council Member Callanan: "Yes, Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "Just a quick question on this stormwater fee. The increased cost is because of the existing permit requirements, and I was a little taken back by that, because when it was explained to us last year, I understood it as all the increased costs were because of the new permit requirements, and so, I went back and found some data that I was given, and it shows all of our existing permit requirements. What is the exact name of the requirement that's costing us this additional money? So I can just reconcile it. Frank this is the – Frank?"

Mr. Frank Carson, County Engineer: "Yes."

Council Member Callanan: "This is the document that I'm using. It's the one you handed out last year."

Mr. Carson: "Ok; I don't have that document."

Council Member Callanan: "It basically lists every, all the existing permit requirements."

Mr. Carson: "Ok; if you look at the – in our budget, the items – a substantial amount of the expense is in, under the minimal control measure is illicit discharge, detection and elimination. So, in the proposed budget, 250,000 is for the outfall inventory and dry weather screening and 150,000 for the full system inventory. And, the document that Kace just handed out is a summary. We didn't – what I would love to do is to go back through everything again with you in a couple-day workshop, but I don't know that any of us could stand that. What this is before you is a copy from the existing general permit, under the minimum control measure illicit discharge detection and elimination. And, what I've tried to do here is to show you, you know, that there's – I'm trying to think of an analogy for the permit. The permit is not like a driver's license that you get, and you don't have to do anything for 10 years. It's good for 10

years. It's not like that at all. It's more like a college curriculum. You know, because you got a 4.0 in the first semester, it doesn't mean you get to stay in school. So, just because you meet the requirement at one stage, doesn't mean you have met it through the five-year term of the permit. The other part of it is – we explained this at some length last year is that our approach in dealing with the permit has been what we thought, you know, the citizens and the elected officials would have us do. And, the question often came up, what do we have to do? Well, we got by with what we had to do to meet the permit, and what I've shown here is that under the illicit discharge, detection and elimination, the permit requires that you produce a map showing outfalls. We did that in-house with existing records, but what the permit also requires you to do is to develop a plan using the, to the maximum extent, practical to identify the system and do the dry weather field screenings and so forth, so that's where..."

Council Member Callanan: "You've answered my question, cause it's essentially two of the existing permit requirements you had on the list were develop a stormwater system map showing the location of all outfalls and the names of location of all waters in the state that receive discharges from those outfalls. The second one is develop and implement and enforce stormwater management program designed to reduce this discharge pollutant to the maximum extent practical."

Mr. Carson: "Correct."

Council Member Callanan: "Ok, so that's what I was wondering what the two things were in the existing permit that caused the expense, and that answered it. Thank you."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight."

Council Member Schurlknight: "Frank, while you've got the mike, does this existing permit and the funds we have budgeted for that permit, does it have any kind of bearing on any kind of fees or anything that we'd have to start paying, stormwater fees, anything to do with that?"

Mr. Carson: "You don't have to pay fees until you all pass a stormwater utility fee ordinance."

Council Member Schurlknight: "Correct. It was stated earlier, I think, that this hinged somewhat on fees with stormwater, and it has nothing to do with the fees. I know that's something we're gonna have to address in the future, especially with the new permit and the expenditures with that, but also know that we're gonna be doing some inventory on impervious surfaces."

Mr. Carson: "Well, impervious surfaces, that's something that's not in our budget, because the purpose of doing that mapping and so forth was developed to develop a permanent rate structure. If we don't have a utility fee, then we don't need a permanent rate structure, because there are no rates."

Council Member Schurlknight: “Right; what I was getting at on impervious surfaces, which is parking lots, those types of things with heavy runoffs that would go in tandem with the schedule and put that together. They’ve come up with a fee that would be spread through the County with exceptions to some of the municipalities. I know, like, Daniel Island would be exempt, because they already pay to Charleston, the City of Charleston. Is that correct?”

Mr. Carson: “Well, that’s one possibility.”

Council Member Schurlknight: “Right.”

Mr. Carson: “I mean, you would look at all those possibilities that we talked before about – the municipalities joining the County doing a joint program. All those things could be explored if we were going to have a utility.”

Council Member Schurlknight: “Ok; I just want to make it clear this budget has nothing to do with stormwater fees. That we would have to look at later on. Thank you.”

Chairman Daniel Davis: “Ok; any other questions?”

Council Member Fish: “Yeah, Mr. Chairman?”

Chairman Daniel Davis: “Mr. Fish.”

Council Member Fish: “I have a question for Kace regarding the external audits. It looks here – you know, we’re spending – am I assuming that we’re paying Finney and Company \$65,000 a year. That’s going up to \$75,000. How long is his contract and does that contract show an increase?”

Ms. Smith: “We do have a slight increase from year to year for cost of inflation, and there are some additional funds in there as there have been in the past should we need any additional work from him.”

Council Member Fish: “Ok; and I’m also curious is that I see you got the larger share of that in Finance budget, but I’m also saying in all the other budgets as well, Master in Equity, Magistrates, County Supervisor, etcetera, \$22,000 – \$2,500 to go for external audit. Are you now having each of the County departments help pay for that audit or why’s that separate?”

Ms. Smith: “Yes, Sir; it has always been that way since I have been here that it gets spread out to the various departments. In addition to that, Water and Sanitation pays another amount. I don’t have Mr. Finney’s contract in front of me, but I can certainly go get it. It will just take...”

Council Member Fish: “I’m just curious.”

Ms. Smith: "...a few minutes to get a copy of that total contract amount if you are interested in that."

Council Member Fish: "Ok; thanks."

Ms. Smith: "Sure."

Chairman Daniel Davis: "Any other questions or comments?"

There was no further discussion.

Chairman Daniel Davis: "We'll do the roll call again."

Council Member Schurlknight: "This is the budget, isn't it?"

Chairman Daniel Davis: "This is the budget."

Council Member Farley: "Are we funding the Tech Center this year?"

Chairman Daniel Davis: "No."

Council Member Cathy Davis: "It's not in the budget."

Chairman Daniel Davis: "Not at this point."

Council Member Farley: "Not at this point, ok."

Council Member Schurlknight: "I think that is something we could look at in the future though."

The motion to approve Bill No. 12-13 for Third Reading **failed to pass**. With a roll call vote, Council Members Call, Schurlknight and Pinckney voted, "Aye"; Council Members Farley, Callanan, Cathy Davis, Fish and Steve Davis voted, "Nay."

Chairman Daniel Davis: "I think we're gonna have to have a continuing resolution and have a special meeting to take care of that."

"BILL NO. 12-14, AN ORDINANCE TO AMEND ORDINANCE NO. 11-06-17, ADOPTED JUNE 27, 2011 TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2011-2012 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO."

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve** Bill No. 12-14 for Third Reading. The motion passed by unanimous voice vote of Council." (A copy of Ordinance No. 12-06-20 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

“BILL NO. 12-15, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #142-14-00-011.”
(Brandy Patterson)

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve Bill No. 12-15 for Second Reading. The motion passed by unanimous voice vote of Council.

“BILL NO. 12-16, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #157-00-00-003.”
(Mead Westvaco Camp Hall, LLC)

It was moved by Council Member Farley and seconded by Council Member Callanan to approve Bill No. 12-16 for Second Reading. The motion passed by unanimous voice vote of Council.

Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration. There were seven Bills for First Reading.

FIRST READING

“BILL NO. 12-17, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #195-12-01-006.”
(William & Theresa Price)

“BILL NO. 12-18, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #031-00-03-044 and TMS #031-00-03-045.”
(Ray Sedgwick)

“BILL NO. 12-19, AN ORDINANCE AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE A QUIT CLAIM DEED FROM BERKELEY COUNTY TO MWV-SHEEP

ISLAND, LLC, FOR THE PROPERTY HEREIN DESCRIBED AS A PORTION OF TURTLE POND ROAD.”

“BILL NO. 12-20, AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT MIXED USE ASSESSMENT FOR CANE BAY PLANTATION (PDMU), REGARDING LIQUOR STORES.”

RESOLUTIONS

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2011-2012 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Schurlknight and seconded by Council Member Call to **approve** the resolution providing for a transfer of funds. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 12-15 is attached to these minutes.)

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH PARKWAY INVESTMENTS, LLC, FOR PROPERTY LOCATED AT 102 SANGAREE PARK COURT, SUITE 1, SUMMERVILLE, SOUTH CAROLINA 29483.”

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to **approve** the resolution authorizing the County Supervisor to negotiate and execute a lease agreement with Parkway Investments, LLC, for property located at 102 Sangaree Park Court, Suite1, Summerville. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 12-16 is attached to these minutes.)

“RESOLUTION SUPPORTING THE MILITARY OPERATIONS LOCATED WITHIN THE TRI-COUNTY AREA.”

It was moved by Council Member Callanan and seconded by Council Member Fish to **approve** the resolution supporting the military operations located within the Tri-county Area. The motion passed by unanimous voice vote of Council.

NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS – none

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The July 2012 Regular Meeting of Berkeley County Council will be held on Monday, **July 23, 2012**, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

Ms. Ewing: “Mr. Chairman, before you call for adjournment, there’s just a couple things I want to point out so that Council is aware. Because Bill No. 12-13 was actually defeated, we will have to start over with a new bill, First, Second and Third Reading on the budget. If we don’t pass a continuing resolution by Friday, we will not be able to expend any funds, including that of payroll, invoices, anything of that nature. So, I just wanted to point those two things out. It will be a three-month process, unless we have County Council Meetings to do the budget.”

Chairman Daniel Davis: “Thank you for that clarification.”

ADJOURNMENT

It was moved by Council Member Callanan and seconded by Council Member Steve Davis to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 7:47 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION – none

S/Catherine Windham
Interim Clerk to Council

July 23, 2012
Date Approved

ADDENDUM #1

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, JUNE 25, 2012**, following Public Hearings and the meetings of any scheduled Committees at **6:05 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

ADD:

RESOLUTIONS:

3. **A RESOLUTION supporting the military operations located within the tri-county area.**

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, JUNE 25, 2012**, following Public Hearings and the meetings of any scheduled Committees at **6:05 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

CALL TO ORDER

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

APPROVAL OF MINUTES:

Public Hearing: Bills No. 12-01, 12-04, 12-05, 12-06, 12-07	May 29, 2012
Regular Council Meeting	May 29, 2012
Special Council Meeting	May 14, 2012
Special Council Workshop Meeting	May 22, 2012

PUBLIC DISCUSSION - Requests to be heard must be made prior to Call to Order and comments must be limited to agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

A. Mr. Colin Martin, Executive Director, BCWS and Ms. Johanna Cooper, Re: “Drinking Water Week” Poster Winners.

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance**
Council Member, Mr. Jack H. Schurlknight, Chairman
 - a. Additional Funding for Magistrates Lawyer.
2. **Committee on Land Use**
Council Member, Mr. Phillip Farley, Chairman
 - a. Deny temporary moratorium in regards to simulated gambling devices.
3. **Committee on Public Works and Purchasing**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman
 - a. Vendor Selection for Meter Boxes
 - b. Construction Contract Award of Arthur Gillins Road Improvements.
 - c. Construction Contract Award for Blanding Road & Wilder Road Improvements.
4. **Committee on Justice and Public Safety**
Council Member, Mr. Steve C. Davis, Chairman
 - a. Additional Funding for Gasoline as needed for Sheriff's Dept.
 - b. Grant Award Utilization Approval
 - c. JAG Grant matching funds.
5. **Committee on Water and Sanitation**
Council Member, Mr. Robert O. Call, Jr., Chairman
 - a. Grievance Committee Nominees
6. **Committee on Planning and Development**
Council Member, Mrs. Cathy S. Davis, Chairman
 - a. PARD Grants
7. **Committee on Community Services**
Council Member, Mr. Timothy J. Callanan, Chairman
 - a. LSTA Planning Grant
8. **Committee on Human Services**
Council Member, Mr. Dennis Fish, Chairman

THIRD READING:

1. **Bill No. 12-04**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Berenyi Civil Engineering, LLC, for Dolphin Properties, LLC**, located at 414 Jessen Lane, Charleston, portion of the official Zoning Map which contains that property identified as **TMS #267-00-00-074**, (2.88 ± acres), from **HI, Heavy Industrial District**, **approved as and will hereafter upon approval of this ordinance be reclassified as .59 acre to GC, General Commercial District and 2.26 acres to LI-Light Industrial.** Council District 8

2. **Bill No. 12-08**, an **ordinance** providing for the fiscal year beginning **July 1, 2012 and ending June 30, 2013** for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.
[Recommended by Committee on Finance]
3. **Bill No. 12-09**, an **ordinance** providing for the fiscal year beginning **July 1, 2012 and ending June 30, 2013** for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.
[Recommended by Committee on Finance]
4. **Bill No. 12-10**, an **ordinance** providing for the fiscal year beginning **July 1, 2012 and ending June 30, 2013** for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.
[Recommended by Committee on Finance]
5. **Bill No. 12-11**, an **ordinance** providing for the fiscal year beginning **July 1, 2012 and ending June 30, 2013** for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.
[Recommended by Committee on Finance]
6. **Bill No. 12-12**, an **ordinance** providing for the fiscal year beginning **July 1, 2012 and ending June 30, 2013** for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.
[Recommended by Committee on Finance]
7. **Bill No. 12-13**, an **ordinance** providing appropriations for the fiscal year beginning **July 1, 2012 and ending June 30, 2013** for **Berkeley County**; to provide for levy of taxes on all taxable property in Berkeley County for all County purposes; to provide for the expenditures of said taxes and other revenues coming into the County for the fiscal year; and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for water and sewer and solid waste service by **Berkeley County Water and Sanitation**.
[Recommended by Committee on Finance]
8. **Bill No. 12-14**, an **ordinance** to **amend Ordinance No. 11-06-17**, adopted June 27, 2011 to provide for **supplemental appropriations** and allocations thereof within the 2011-2012 budget for Berkeley County; and other matters relating thereto.
[Recommended by Committee on Finance]

SECOND READING:

1. **Bill No. 12-15**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Brandy Patterson**, 636 South Live Oak Drive, Moncks Corner, **TMS #142-14-00-011**, (0.82 ± acre), from **GC, General Commercial District**, to **R-2, Manufactured Residential District**. Council District 8
[Recommended by Committee on Land Use]
2. **Bill No. 12-16**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Mead Westvaco Camp Hall, LLC**, located in an area of the County bounded by I-26 to the southwest, SC Highway 27 to the west, and Fish Road to the northeast, Summerville, **TMS #157-00-00-003**, (6,781.16 ± acres), from **F-1, Agricultural District**, to **PD-OP/IP, Planned Development Office/Industrial Park District**. Council District 7
[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 12-17**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: William and Theresa Price**, located at 248 Harvest Road, Moncks Corner, **TMS #195-12-01-006**, (3.66 ± acres), from **R-2, Manufactured Residential District**, to **R-2R(F), Mobile Home Rural Farm Residential District**. Council District 6
[Recommended by Land Use Committee]
2. **Bill No. 12-18**, an **ordinance** to modify the Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Ray Sedgwick**, located at 1020 English Drive (Canal Lakes Fish Camp), Cross, **TMS #031-00-03-044 and TMS #031-00-03-045**, (10.12 ± acres), from **GC, General Commercial District (-044)**, and **R-3, Mobile Home Park District (-045)**, to **RNC, Rural Neighborhood Commercial District**. Council District 7
[Recommended by Land Use Committee]
3. **Bill No. 12-19**, an **ordinance** authorizing the County Supervisor to execute a **Quit Claim Deed** from Berkeley County to **MWV-Sheep Island, LLC**, for the property herein described as a portion of Turtle Pond Road.
[Recommended by Land Use Committee]
4. **Bill No. 12-20**, an **ordinance to amend the Planned Development Mixed Use Assessment** for Cane Bay Plantation (PDMU) Re: **Liquor Stores**
[Recommended by Land Use Committee]

RESOLUTION:

1. **RESOLUTION** providing for the **Transfer of Funds** in the **2011-2012 Berkeley County Budget** for County purposes other than as specified in said budget.
2. **RESOLUTION** authorizing the County Supervisor to negotiate and execute a lease agreement with **Parkway Investments, LLC** for property located at 102 Sangaree Park Court, Suite 1, Summerville, South Carolina 29483.

NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS

Aeronautics Commission

Berkeley Rural Transportation Management Assoc.
Charleston Area Transportation Study
Charleston Regional Development Alliance
Construction Board Of Appeals
Council Of Governments
Devon Forest Special Tax District
Goose Creek Recreation Commission
Library Board
Mental Health Board
Pimlico Tax District
Sangaree Special Tax District
Special Fire Tax District
Tax Assessment Review Board
Zoning Appeals Board

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The **July 2012 Regular Meeting of Berkeley County Council** will be held on **Monday, July 23, 2012**, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.